

**THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO**

IN RE:

JOHN DENNING  
LILLIAN DENNING

Debtor(s)

) CHAPTER 13  
) CASE NO: 10-51882  
)  
) MARILYN SHEA-STONUM  
) BANKRUPTCY JUDGE  
)  
) TRUSTEE'S MOTION TO DISMISS  
) AS 341 FIRST MEETING OF  
) CREDITORS CANNOT BE  
CONCLUDED

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Now comes Keith L. Rucinski, the Chapter 13 Trustee, and moves this Court for an order dismissing the above mentioned Chapter 13 plan for the reasons stated herein.

On **04/21/2010**, the above named Debtor(s) filed a petition for relief under Chapter 13 of the bankruptcy code.

The original date for the First Meeting of Creditors was **06/03/2010**, and has been adjourned several times because the Debtor(s) and attorney for the Debtor(s) have failed to supply the Trustee with certain required information. The Debtor(s) and attorney for the Debtor(s) were instructed to provide the following information to the Trustee.

**CHAPTER 13**

Keith L. Rucinski  
Trustee  
1 Cascade Plaza  
Suite 2020  
Akron, Oh 44308  
(330) 762-6335  
Fax  
(330) 762-7072  
Email  
krucinski@ch13akron.com

- |   |  |
|---|--|
| <input type="checkbox"/> Tax Returns          | <input type="checkbox"/> Proof of auto insurance                           |
| <input type="checkbox"/> Financial Statements | <input type="checkbox"/> Proof of homeowners insurance                     |
| <input type="checkbox"/> Chapter 13 Payment   | <input type="checkbox"/> See Below for issues regarding<br>Chapter 13 Plan |
| <input type="checkbox"/> Pay stubs            |  |

**NEED AMENDED PLAN - DEBTORS NEED TO PAY 11% TO  
UNSECURED CREDITORS DUE TO HIGH BUDGET ITEMS**

WHEREFORE, the Chapter 13 Trustee hereby moves this Court for an order of dismissal of the above Chapter 13 case for all the reasons stated herein.

Respectfully submitted,

**/s/ Keith L. Rucinski**

Keith L. Rucinski, Chapter 13 Trustee  
Ohio Reg. No. 0063137  
One Cascade Plaza, Suite 2020  
Akron, OH 44308  
Phone: 330.762.6335  
Fax: 330.762.7072  
Email: [krucinski@ch13akron.com](mailto:krucinski@ch13akron.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing has been sent to:

**CHAPTER 13**  
Keith L. Rucinski  
Trustee  
1 Cascade Plaza  
Suite 2020  
Akron, Oh 44308  

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(330) 762-6335  
Fax  
(330) 762-7072  
Email  
[krucinski@ch13akron.com](mailto:krucinski@ch13akron.com)

**JOHN DENNING**  
**5923 TALLMADGE ROAD**  
**ROOTSTOWN, OH 44272**  
**(Via Regular Mail)**

**LILLIAN DENNING**  
**5923 TALLMADGE ROAD**  
**ROOTSTOWN, OH 44272**  
**(Via Regular Mail)**

**WARNER MENDENHALL ESQ(via ECF)**

Keith L. Rucinski, Chapter 13 Trustee(via ECF)

Office of the US Trustee(via ECF)

Date of Service: **8/27/2010** By: **Tammy Rowe**

Office of the Chapter 13 Trustee